

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

NOLEF TURNS, INC.
& GEORGE HAWKINS
Plaintiffs,

v.

Civil Action No. 3:23cv232

GLENN YOUNGKIN, in his official
Capacity as Governor of Virginia &
Kelly Gee, in her official
Capacity as Secretary of the
Commonwealth of Virginia,
Defendants.

ORDER

This matter comes before the Court on the defendants' motion to dismiss. (ECF No. 26.) The Court held a hearing on this motion on October 6, 2023. For the reasons stated from the bench, the Court GRANTS IN PART and DENIES IN PART the defendants' motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1). (ECF No. 26.) The Court GRANTS the motion as to the plaintiff, Nolef Turns, Inc. The Court DIRECTS the Clerk to terminate Nolef Turns, Inc. as a plaintiff in this case. And the Court DENIES the motion as to the plaintiff, George Hawkins. Accordingly, George Hawkins is the sole remaining plaintiff in this case.


Additionally, because it is apparent that there are factual issues that must be developed, the Court DENIES the defendants' motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). (ECF No. 26.) The Court will reach the merits of Hawkins's claim after reviewing the parties' motions for summary judgment. At the initial pretrial conference, the Court set the following deadlines: (1) the parties' motions for summary judgment shall be filed no later than **February 14, 2023**; and (2) the Court will hold a hearing on any motion for summary judgment on **March 20, 2023, at 9:00 a.m.** The Court ORDERS that all discovery

shall be completed by **January 14, 2023**. Written discovery shall be served such that the responses are due no later than **January 14, 2023**.

It is so ORDERED.

Let the Clerk send a copy of this Order to all counsel of record.

Date: 6 October 2023
Richmond, VA

/s/ 
John A. Gibney, Jr.
Senior United States District Judge